

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

**FILED**  
SEP 16 2019

ANTHONY DAVID TEAGUE

vs.

DIRECTOR, TDCJ-CID

CIVIL ACTION NO. 4:16cv814

Clerk, U.S. District Court  
Texas Eastern

PETITIONER'S SUPPLEMENTAL REPLY TO DIRECTOR'S RESPONSE

Petitioner pro se, Anthony David Teague, makes this supplemental reply to the Director's Response filed on March 10th, 2017.

Petitioner concedes that his previously filed Motion to Stay is now moot in light of the Texas Court of Criminal Appeals dismissal of his 11.07 Application on September 11th, 2019.

In the Director's original Response, the Respondent asserted a defense of procedural default to Petitioner's claims of Prosecutorial Misconduct. That defense is now effectively nullified by the state court's aforementioned dismissal of the 11.07 on grounds that are not independent and adequate. The CCA presumably adopted the lower court's factfinding and recommendation entered on August 16th, 2019 pursuant to Art. 11.07 §5 of the Texas Code of Criminal Procedure. In the lower court's findings, that court perpetrated Aggravated Sodomy on both the law and the facts. The court recommended dismissal of a "sole ground" when two grounds were clearly presented and also said the Applicant failed to plead facts showing that the legal AND factual bases for his claims were previously unavailable when Art. 11.07 §4 requires pleading previously unavailable facts OR law. The court also disregarded Applicant's actual innocence claim. This means the Petitioner is entitled to de novo review of his claims in this court as the state court essentially did nothing to which any deference is entitled. An evidentiary hearing and discovery of the voicemail of October 30th, 2012 is clearly indicated. Petitioner requests his hearing be expedited.

PRAYER

Petitioner prays this Court grant him all relief to which he is entitled as soon as possible as he has been wrongfully imprisoned for nearly seven years because he exercised his Constitutional right to sue SMU.

Respectfully submitted this 11th day of September, 2019,

X Anthony David Teague

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